

DRAFT P E R M I T

Permittee: Strategic Commercial Realty, Inc.
205 Munyan Road
Putnam, CT 06260

Attention: Donald Hopkins

Permit No.: DS-200901063
CT Dam Inv. No.: 10923
Town: Plainfield

Pursuant to Section 22a-403 of the Connecticut General Statutes, Strategic Commercial Realty, Inc. ("permittee") is hereby permitted to conduct activities at Horse Brook Dam ("the dam") on Horse Brook in Plainfield, Connecticut as set forth in application #DS-200901063 prepared by Provost & Rovero, Inc., which includes plans entitled "Existing Conditions & Demolition Plan Showing Proposed Dam Repairs Prepared for Strategic Commercial Realty Inc." dated 12/11/2008, revised 6/26/2009.

Authorized Activity

Specifically, the permittee is authorized to repair the dam as depicted in the above referenced plans and specifications.

This permit is subject to and does not derogate any present or future property rights or other rights and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity hereby. This authorization is subject to the following conditions:

PERMITTEE'S FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT PERMITTEE AND PERMITTEE'S CONTRACTOR(S) TO ENFORCEMENT ACTIONS AND PENALTIES AS PROVIDED BY LAW

Special Conditions –

- A. Trees shall be cleared from the emergency spillway as required to allow unobstructed flow.
- B. On the plans (revised 6-26-2009), sheet 2 of 3, comment #3 under the construction sequence states: cleared trees and brush may be left in place if it does not interfere with construction. The cleared vegetation shall not obstruct flow in the emergency spillway.

- C. Prior to the start of construction, a dewatering plan shall be submitted to the DEP for approval.
- D. Prior to the start of construction, a plan shall be submitted to the DEP for approval, to be implemented during construction, paying particular attention to flood contingency operations for storms greater than the 2-year frequency flow.
- E. The permittee shall test the material proposed for the embankment fill and the compaction thereof to ensure it meets standard engineering requirements for impermeable embankment fill. Copies of the test results shall be maintained on site during construction and be made available upon request.
- F. Staging areas should not be completely cleared and should maintain a vegetated buffer along any riparian corridor they may be constructed adjacent to. Any soil that is stockpiled should have a sediment control fence surrounding it.
- G. Refueling of equipment should be conducted as far away from wetlands and watercourses as is practicable. The fueling station shall have spill cleanup materials nearby and incorporate an impermeable barrier containment pan / mat system to capture any spills for cleanup.
- H. All dewatering basins and/or sediment containment tanks should be located on relatively flat grade as far away from wetlands and watercourses as is practicable.

General Conditions

1. Initiation and Completion of Construction

- A. Permittee shall notify the Commissioner in writing no less than seven (7) days prior to commencement of permitted activities and no less than seven (7) days following completion of permitted activities.
- B. The permittee shall, pursuant to Section 22a-377(b)-1(a)(16)C of the Regulations of Connecticut State Agencies, notify the Commissioner and any potentially affected water company in writing at least seven (7) days prior to the lowering of Horse Brook for the purpose of undertaking permitted activities.
- C. The Department of Environmental Protection shall be notified at least forty-eight (48) hours prior to drawdown of the impoundment, in accordance with Section 26-138 of the Connecticut General Statutes. Such notification shall be made to the Inland Fisheries Division, 79 Elm Street, Hartford, CT 06106-5127, telephone no. 424-3474.

2. **Expiration of Permit**

- A. The activities authorized herein shall be completed on or before December 31, 2011 unless this permit is specifically renewed.
- B. This permit may be revoked, suspended, or modified in accordance with law, including but not limited to the Regulations of Connecticut State Agencies Section 22a-3a-5(d).

3. **Permit Compliance**

- A. This permit and a copy of the approved plans and specifications shall be kept at the project site and made available to the Commissioner at any time during the construction of permitted activities.
- B. Permitted activities shall be performed under the supervision of an engineer who is licensed to practice in the State of Connecticut and who is familiar with dam construction. Said engineer shall, upon completion of the permitted activities, certify to the Commissioner in writing that the permitted activities have been completed according to the approved plans and specifications.
- C. The permittee may not modify the permitted plans and specifications without the prior written approval of the Commissioner.
- D. Within thirty (30) days of completion of the permitted activities, permittee shall submit to the Commissioner record drawings depicting the dam construction as completed, including any deviations from the approved plans and specifications. Said drawings shall be prepared and sealed by the engineer who oversaw the construction.

4. **Fishway Requirements**

The Commissioner has determined in accordance with Section 26-136 of the Connecticut General Statutes that, as of the date this permit is issued, a fishway is not required at this dam.

5. **Reliance on Application**

In evaluating the permittee's application, the Commissioner has relied on information provided by the permittee. If such information subsequently proves to have been false,

deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked.

6. **Best Management Practices**

In constructing the activities authorized herein, the permittee shall use construction methods that minimize sedimentation and erosion and prevent pollution. Such practices include but are not necessarily limited to the following:

- A. All authorized activities shall be performed in such a manner as to minimize resuspension of sediments and subsequent siltation, and to prevent construction materials and debris from entering wetlands or watercourses.
- B. No construction vehicles shall be stored, serviced, washed or flushed out in a location where leaks, spillage, waste materials, cleaners or waters will be introduced or flow into wetlands or watercourses.
- C. Haybales, mulch, sedimentation basins or other temporary sedimentation controls, including silt fences, shall be used as necessary to control erosion and sedimentation.
- D. Except as provided in this permit, no material storage or stockpiling of construction materials shall occur in any wetlands or watercourses.
- E. Drawdown of Horse Brook shall be in accordance with a dewatering plan approved by the DEP.
- G. Fill, without limitation, or construction debris, shall not be placed in wetlands or watercourses unless authorized by this permit.

7. **Certification of Documents**

Any document, including but not limited to any notice, which is required to be submitted to the Commissioner pursuant to this permit shall be signed by the permittee, a responsible corporate officer of the permittee, or a duly authorized representative of such person, as those terms are defined in Section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate, and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be

punishable as a criminal offense".

8. **Submission of Documents**

Any document required to be submitted to the Commissioner pursuant to this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

Mr. Arthur Christian, Supervising Civil Engineer
DEP/Bureau of Water Protection and Land Reuse
Inland Water Resources Division
79 Elm Street
Hartford, CT 06106-5127

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means one calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed before the next day which is not a Saturday, Sunday or a Connecticut or federal holiday.

Dam Owner/Operator Liability

Your attention is further directed to Section 22a-406 of the General Statutes: "Nothing in this chapter and no order, approval or advice of the Commissioner, shall relieve any owner or operator of {a dam} from his legal duties, obligations and liabilities resulting from such ownership or operation.

No action for damages sustained through the partial failure of any structure or its maintenance shall be brought or maintained against the state, the Commissioner of Environmental Protection, or his employees or agents."

This authorization constitutes the permit required by Section 22a-403 of the Connecticut General Statutes.

Date

Amy Marrella, Acting Commissioner